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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHELLE ARACELI GARCIA,

Defendant and Appellant.

H044867

(Santa Clara County
Super. Ct. No. C1646248)

Defendant Michelle Araceli Garcia pleaded no contest to second-degree burglary, a felony (Pen. Code, §§ 459, 460, subd. (b)).¹ On May 25, 2017, the court reduced the burglary charge to a misdemeanor, placed defendant on three-years' probation, and issued a restitution order in the amount of \$41,013.36, staying imposition of the order. On June 8, 2017, the court ordered the imposition of the restitution in the amount stated in the previously stayed order.

Defendant filed a timely notice of appeal, and we appointed counsel to represent her in this court. Appointed counsel has filed an opening brief that states the case and facts but raises no issue. We notified defendant of her right to submit written argument on her own behalf within 30 days. The 30-day period has elapsed and we have received no response from defendant.

¹ All further statutory references are to the Penal Code.

Pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *People v. Kelly* (2006) 40 Cal.4th 106 (*Kelly*), we have reviewed the entire record. Following the California Supreme Court’s direction, we provide “a brief description of the facts and procedural history of the case, the crimes of which the defendant was convicted, and the punishment imposed.” (*Kelly, supra*, at p. 110.)

I. FACTUAL BACKGROUND

The facts underlying the offense of which defendant was convicted are not disclosed in the appellate record. It can be gleaned from the complaint that on or about August 17, 2016, defendant entered the Santa Clara County building located at 70 E. Hedding Street in San Jose with the intent to commit a felony, i.e., the recording of a false or forged instrument. The appellate record further shows that the instrument was a purported joint tenancy grant deed concerning 57-59 Millar Avenue, San Jose (the Millar property), executed by defendant in favor of Christopher Sosa and Michelle Sosa² that was recorded on or about August 18, 2016.

II. PROCEDURAL BACKGROUND

Defendant was charged by a two-count felony complaint on September 7, 2016, with recording a false instrument, a felony (§ 115; count 1), and second-degree burglary, a felony (§§ 459, 460, subd. (b); count 2).

On February 23, 2017, defendant, pursuant to a negotiated plea agreement, pleaded no contest to the second-degree burglary offense. The court found that defendant had knowingly and voluntarily waived her rights in entering the guilty plea, and it found further that there was a factual basis for the plea.

On May 25, 2017, the court sentenced defendant. It dismissed count 1, and it reduced count 2 (second-degree burglary) to a misdemeanor. The court placed defendant

² The complaint contains the allegation that defendant is also known as Michelle Sosa.

on probation for three years, ordered that defendant stay more than 100 feet from the entrance to the Millar property, and ordered that she have no knowing contact with the victim. The court ordered restitution in the amount of \$41,013.36, but it stayed the restitution order. On June 8, 2017, the court ordered restitution of \$41,013.36 pursuant to the previously stayed order. It also ordered that defendant perform 50 hours of community service work in lieu of payment of fines and fees imposed at sentencing.

Defendant filed a timely notice of appeal. In the appeal notice, defendant indicated the appeal was based upon “[i]neffective assistance of counsel about restitution exposure.”

III. DISCUSSION

Having carefully reviewed the entire record, we conclude that there are no arguable issues on appeal. (*Wende, supra*, 25 Cal.3d at pp. 441-443.)

IV. DISPOSITION

The judgment is affirmed.

BAMATTRE-MANOUKIAN, J.

WE CONCUR:

GREENWOOD, P.J.

DANNER, J.

People v. Garcia
H044867